

REMARKS

In the Office Action, dated April 23, 2003, the Examiner states that Claims 1-13 are pending, Claims 1-3 are rejected, and Claims 4-13 are objected to. By the present Amendment, Applicant amends the claims.

In the Office Action, Claims 4-13 are objected to under 37 CFR 1.75 as being in improper multiple dependent claim format. The Applicant has amended the claims to remove all the multiple dependencies. The claims have further been amended to remove the reference numerals and characterizing language, and to correct minor informalities.

In the Office Action, Claims 1 and 3 are rejected under 35 U.S.C., §102(e) as anticipated by Cottle (US 5,888,227). Claim 2 is rejected under 35 U.S.C. §103(a) as unpatentable over Cottle in view of Coates et al. (US 5,888,222). The Applicant respectfully disagrees with and traverses these rejections.

Cottle discloses an intersomatic implant that has a convex profile in the sagittal plane (Fig. 6) and a face having a convex profile in the frontal plane (Fig. 7). However, Figures 6 and 7 only show the convex profile in the sagittal and frontal planes. The description of Cottle does not describe the profile of the implant and does not describe any advantage of the convex profile. Furthermore, Cottle does not describe an implant in the form of a cage having two sagittal walls interconnected by transverse walls defining between them an open volume.

To further clarify the distinguishing features of Claim 1, Claim 1 has been amended to state that the first transverse face is defined in the frontal plane by a substantially straight profile, and the second transverse face presents a profile in the sagittal plane that is substantially straight.

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In view of the distinguishing features highlighted above, the Applicant considers Claim 1 and all the claims dependent thereon, to be novel over the cited prior art references.

In light of the foregoing response, all the outstanding objections and rejections have been overcome. Applicant respectfully submits that this application should now be in better condition for allowance and respectfully requests favorable consideration.

Respectfully submitted,

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Date

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